



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 01/29/2019
Time: 02:00 PM
Location: 309
Committee: House Lower & Higher
Education

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 0382 RELATING TO THE DEPARTMENT OF EDUCATION.

Purpose of Bill: Requires the Auditor to conduct a management and program audit of the Department of Education's policies relating to bullying and cyberbullying, especially as they apply to students who are members of certain minority groups.

Department's Position:

The Department of Education supports the intent of HB 382 and offers comments.

Upon the approval by the Board of Education (BOE), the Department's current revisions to Hawaii Administrative Rules (HAR), Chapter 19 and, new rule, Chapter 89, will be presented at public hearing. Incorporated in the revision of both sets of HAR are the expanded definitions of bullying and cyberbullying towards students. Concurrently, the Department is also reviewing how the data will be captured in the Department's Electronic Comprehensive Student Support System (eCSSS).

Currently, BOE Policy 305-10, *Anti-Harassment, Anti-Bullying, and Anti-Discrimination Against Student(s) by Employees*, pertains to non-discrimination, including harassment, on the basis of protected classes, including students with disabilities, ethnic and racial minorities, and students who may be consider lesbian, gay, bisexual, transgender, or queer. Training on BOE Policy 305-10 is being planned for the 2019-2020 school year. Additionally, the Department is establishing a Civil Rights Compliance Advisory Committee to monitor and address concerns related to these protected groups.

To ensure student voice is empowered, the Department is piloting the "Speak Now" anti-bullying mobile application for students in middle and intermediate schools, designed in part, with proactive student input. This application will be made available for high school and elementary school students in the upcoming school years. The Speak Now application will provide another mechanism for students to report incidents of bullying on DOE campuses, transportation and during DOE-sponsored activities that they have either experienced or witnessed. Reporting may

be done anonymously.

In addition to providing training to students and school administrators on the use of the Speak Now application, the Department also continues to provide tri-level professional training development to schools and complex areas personnel based on their needs and context. Training and supports include but are not limited to:

- Character education, including bullying prevention
- HA: Na Hopena A'o outcome framework
- Mental health awareness
- Multi-tiered system of support Cadre
- Personalized learning
- Positive behavior support systems
- Vulnerability Assessment and Tiered Fidelity Inventory
- Diana Browning Wright Cohort Training on Multi-Tiered System of Support
- Ci3T Partnership with the University of Hawaii

Thank you for the opportunity to provide testimony on this measure.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



HOUSE COMMITTEE ON LOWER & HIGHER EDUCATION

The Honorable Justin H. Woodson, Chair
The Honorable Mark J. Hashem, Vice Chair
The Honorable Amy A. Perruso, Vice Chair

H.B. NO. 382, RELATING TO THE DEPARTMENT OF EDUCATION

Hearing: Tuesday, January 29, 2019, 2:00 p.m.

The Office of the Auditor has **no position** regarding H.B. No. 382, which requires “a management and program audit of the department of education’s actions, policies, and rules regarding bullying and cyberbullying.” **However, we have concerns about our ability to perform certain of the work required by the bill and offer other suggestions.**

As part of the management and program audit, H.B. No. 382 requires that we, among other things:

- (1) Assess the department’s anti-bullying and cyberbullying actions, policies, and rules;
- (2) Determine the best practices for the department to identify and address the root causes of bullying and cyberbullying; and
- (3) Identify the complex area superintendents’ “plans, actions, educational workshops, or trainings” to improve understanding of the experiences of individuals and groups who have been targets of bullying or cyberbullying in order to create a respectful and supportive learning environment for all students.

First, we note that the bill does not define “bullying and cyberbullying.” We suggest that the committee define those terms in the bill to help ensure that the audit is directed towards the specific activities the legislature wants us to assess.

We also are concerned that some of the work called for by the bill—specifically, determining best practices to identify and address the root causes of bullying and cyberbullying and identifying methods that may improve understanding of the experiences of victims of bullying or cyberbullying—is beyond our expertise and will likely require us to procure a consultant to assist in performing the work.

We do not have the substantive and technical knowledge relating to the psychological/social root causes of bullying and cyberbullying or to identify resources that may improve understanding of affected students’ experiences. We suggest that the department may be better equipped to assess such programs. Moreover, where appropriate, we generally offer recommendations to the

audited agency to address audit findings. However, because we do not implement recommendations, we are not the appropriate agency to propose legislation regarding bullying and cyberbullying policies. We suggest that the department is better suited to propose legislation to implement our audit recommendations, if necessary.

Accordingly, we request that paragraphs (a)(3) and (a)(4) in Section 2 of the bill be deleted.

Lastly, the bill requires us to report our findings and recommendations to the legislature no later than 20 days before the 2021 legislative session, yet paragraph (b) in Section 2 of the bill requires that the audit be completed “no more than twelve months after its commencement.” We request that paragraph (b) be deleted. Because we do not know the magnitude of the audit until we complete our audit planning work, we suggest that the bill not unnecessarily limit our ability to thoroughly and completely assess the department’s programs with respect to bullying and cyberbullying by requiring us to complete our audit before we are required to report our findings to the legislature.

Thank you for considering our testimony related to H.B. No. 382.

HAWAII YOUTH SERVICES NETWORK

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Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

January 26, 2019

Representative Justin Woodson, Chair

And members of the Committee on Lower and Higher Education

TESTIMONY IN SUPPORT OF HB 382 RELATING TO THE DEPARTMENT OF EDUCATION

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 506 Relating to the Department of Education.

For 9 out of the past 12 years, bullying has been one of the top concerns of the youth who participate in the annual Children and Youth Summit at the State Capitol each October.

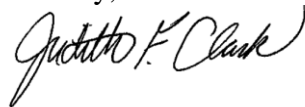
According to the Hawaii Youth Behavioral Risk Survey, Hawaii has a low rate of youth violence in almost every area except bullying. The number of youth who have stated that they were afraid to go to school or have missed school due to bullying is much higher than the national average.

Parent concern about the bullying experienced by their children in public schools has led to multiple lawsuits and judgments against the Department of Education.

As one concerned grandparent told me, "We are teaching our granddaughter about the issue. Last year she reported 3 kids to teacher because they were taunting a home less girl...{My granddaughter said the teacher just told them not to do again...the kids got nothing out of it."

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

Representative Justin Woodson, Chair And members of the Committee on Lower and Higher Education

TESTIMONY IN SUPPORT OF HB 382 RELATING TO THE DEPARTMENT OF EDUCATION

As a psychologist and family therapist, I support HB 382 Relating to the Department of Education. The number of youth who have stated that they were afraid to go to school or have missed school due to bullying is much higher than the national average. Parent concern about the bullying experienced by their children in public schools has led to multiple lawsuits and judgments against the Department of Education.

In my family, children in elementary and middle school all report cyber and physical bullying. In spite of classroom discussions on how to recognize and address bullying situations, they report teacher and administrative inaction and say "What's the use?" In spite of training teachers to intervene in bullying, some are hesitant to intervene. Children with special needs such as Fetal Alcohol Spectrum Disorders are particularly vulnerable and express fear of going to school.

Thank you for this opportunity to testify.

Sincerely,

HB-382

Submitted on: 1/27/2019 11:13:03 AM

Testimony for LHE on 1/29/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenichi Yabusaki	Individual	Support	No

Comments:

Representative Justin Woodson, Chair and members of the Committee on lower and higher education

TESTIMONY IN SUPPORT OF HB 382 RELATING TO THE DEPARTMENT OF EDUCATION

As a retired biochemist and parent of adult children, I have experienced through my children's eyes bullying in schools. Some of the most vulnerable to bullying are those with invisible disabilities such as those inflicted with Fetal Alcohol Spectrum Disorders (FASD). Having recently researched FASD, it is overwhelmingly apparent these disorders can affect both cognitive and sensory processes to name a few that may lead to an individual being seen as "different" and thus, from lack of compassion and/or tolerance bullied. These actions (bullying) may lead to tragic consequences as these individuals are alienated from an impossible world. The Department of Education should more seriously address bullying in the schools and be held accountable. All personnel in the schools should be trained and accountable to address bullying. Thank you for the opportunity to testify.

Sincerely,

Kenichi Yabusaki, Ph.D.

HB-382

Submitted on: 1/28/2019 1:56:22 PM

Testimony for LHE on 1/29/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

HB-382

Submitted on: 1/27/2019 6:56:17 PM

Testimony for LHE on 1/29/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Comments	No

Comments:

It is important for the DOE to continue to work on bullying in the schools. I would ask that not only is data provided to the legislature for students (who are the minority?); but also for adults who work in the system as well. It's bullying no matter who, what, when or how it occurs.